

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

DEXTER SHAW,

Plaintiff,

v.

6:14-cv-112

ROBERT TOOLE; JANET BREWTON;  
and JANE DOE,

Defendants.

**ORDER**

Dexter Shaw filed a Motion for Reconsideration under Federal Rule of Civil Procedure 60. ECF No. 12. For the reasons set forth below, the Court **GRANTS** Shaw's Motion.

**I. BACKGROUND**

Shaw filed his Complaint on October 16, 2014. ECF No. 1. He also requested leave to proceed *in forma pauperis* ("IFP"). ECF No. 2. On October 17, 2014, the magistrate judge granted Shaw IFP status. ECF No. 3. The magistrate judge also ordered Shaw to provide two documents: a prisoner trust fund account statement, *id.* at 2, and a consent to collection of fees from that trust account, *id.* at 3. The magistrate judge ordered Shaw to produce them by November 17, 2014. *Id.*

Shaw provided the documents on October 27, 2014. ECF No. 4. However, they were identified incorrectly on the docket as a motion to proceed IFP. *See id.* The following day, the magistrate judge, interpreting the documents as a motion to proceed IFP, issued an order dismissing the documents as moot. ECF No. 5.

On December 18, 2014, the Court dismissed this action without prejudice on the grounds that Shaw had failed to comply with the magistrate judge's order of October 17, 2014. ECF No. 10.

**II. ANALYSIS**

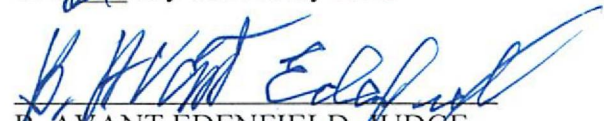
Under Federal Rule of Civil Procedure 60(b), a court may relieve a party from a final judgment for several reasons, including "mistake, inadvertence, surprise, or excusable neglect," or for "any other reason that justifies relief." Fed. R. Civ. P. 60(b)(1), (6).

Here, Shaw's action should not have been dismissed. After a review of the record in this case, the Court finds that Shaw did fulfill all the requirements set forth in the magistrate judge's order on October 17, 2014. The incorrect entry on the docket led to the inaccurate conclusion that Shaw had not provided the documents. Since Shaw did timely provide the documents, his action should proceed.

**III. CONCLUSION**

The Court **GRANTS** Shaw's Motion for Reconsideration, ECF No. 12. The clerk is **DIRECTED** to reopen this case. Shaw's motion for a preliminary injunction and for a temporary restraining order, ECF No. 8, is again referred to the magistrate judge for consideration.

This 26 day of January 2015

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA